

REMARKS

This is a full and timely response to the Office Action mailed December 28, 2009. Reconsideration and allowance of the application and presently pending claims are respectfully requested.

Telephone Conversation With Examiner

Examiner Paliwal is thanked for the telephone conversation conducted on March 9, 2010. Differences between the claimed subject matter and asserted art were discussed. Examiner agreed to consider the arguments presented during the conversation.

Present Status of Patent Application

Claims 1, 2, 6-8, 10-12, 14, 17-19, 21-27, and 29-40 are pending in the present application. Specifically, claims 24, 27, 29, and 30 are original unamended claims; claims 1 and 23 have been currently amended without introduction of new matter; claims 2, 6-8, 10-12, 14, 17-19, 21, 22, 25, 26, and 31-39 have been previously presented; claims 3-5, 9, 13, 15, 16, 20, and 28 are canceled without prejudice, waiver, or disclaimer; and claim 40 is a new claim that is submitted without introduction of new matter. Reconsideration and allowance of the application and presently pending claims are respectfully requested.

Claim Objections

Statement of the Objection

Claims 1 and 23 are objected to because of the following informalities:

- *Claim 1, line 1, "automating the generation", should read, "automating generation".*
- *Claim 1, line 2, "the execution", should read, "an execution".*
- *Claim 1, line 8, "the manifest", should read, "the vendor-provided manifest".*
- *Claim 1, line 13, "into the manifest", should read, "into the vendor-provided manifest".*
- ~~Column~~ Claim *23, line 1, "A system comprising a processor for generating a manifest, the system comprising", should read, "A system comprising a processor for generating a*

manifest, the system further comprising".

Response to the Objection

However, Applicants respectfully traverse each of the objections associated with claim 1 and 23 and submit that the claims as previously presented are in proper form. Nonetheless, in an effort to minimize the number of items under dispute, Applicants have opted to amend the claims.

Accordingly, Applicants respectfully request withdrawal of the objection to claims 1 and 23.

Claim Rejections under 35 U.S.C. §103

I. Statement of the Rejection

Claims 1, 2, 6-8, 10, 31 -32, and 35 are rejected under 35 U.S.C. 103(a) as being unpatentable over England et al. (US 6,330,670 B1), hereinafter, "England" in view of ~~in view of~~ Jensenworth et al. (US 6,279,111), "Jensenworth", Lao et al. (US 2003/0220880 A1), hereinafter, "Lao", and further in view of Challenger (US 6,704,868 B1), "Challenger".

Response to the Rejection

Claim 1

Applicants respectfully traverse the rejection of claim 1 for several reasons, some of which are listed below. It may be also pertinent to point out that Applicants have provided (in their previous responses) detailed remarks pertaining to England. Each of the subsequent Office actions appears to be ignoring Applicants' detailed remarks by failing to provide a suitable explanation or rebuttal. Instead, these subsequent Office actions state: "*Applicant's arguments with respect to claims ... have been considered moot in view of the new ground(s) of rejection.*" Such a statement overlooks the fact that England is still being used in these subsequent rejections (albeit combined with other new references), and Applicants earlier remarks pertaining to England continue to remain pertinent, thereby warranting a suitable explanation or rebuttal. Applicants respectfully request remedial action in this matter if a further Office action is issued.

Turning now to some of the reasons for Applicants' traversal of the rejection vis-à-vis

England:

- 1) Attention is drawn to page 3 of the Office action, more specifically to the following portion: “accessing manifest...” Applicants respectfully point out that Claim 1 is directed at “generating” a manifest. It is unclear as to why the rejection is alluding to accessing a manifest, rather than to generating a manifest. Furthermore, in this context, it may be relevant to point out that England fails to provide information pertaining to generation of a manifest (even assuming *arguendo* that a manifest is indeed taught in England).
- 2) Following the portion cited above, the Office action alludes to England’s “*Fig. 2, Numeral 222 + Numeral 223, and also see, Column 10, lines 14-25.*” Applicants presume that the Office action is asserting that Applicants’ manifest is taught by England’s “*access predicate 222*” and “*license 223.*” The assertion is ambiguous in that it fails to indicate if Applicants’ manifest is taught by a) “*access predicate 222*” or b) “*license 223,*” or c) a combination of the two elements. Notwithstanding this ambiguity, Applicants have provided below certain additional remarks in this matter.
- 3) The Office action statement then goes on to assert that England’s 222+223 teach “*one or more rules imposed by the vendor for ensuring integrity of an address space that is used in a computer...*” However, no details are provided as to how one or both of the “*access predicate 222*” or “*license 223*” elements of England address “*ensuring integrity of an address space.*” To the contrary, attention is drawn to England’s col. 10, lines 17-25 which explains the functionality of these two elements. The functionality does not include address space related rules.

Detailed remarks directed at England’s “Fig. 2, Numeral 222 + Numeral 223”

As best understood, the Office action is interpreting the combination of England’s “access predicate + license” as teaching/suggesting Applicants’ manifest. Applicants respectfully submit that such an interpretation is unreasonable and further submit that a person of ordinary skill in the art would readily recognize the differences between these three items, and not confuse

a manifest with either a license or an “access predicate” as taught in England.

To elaborate, attention is drawn to England’s col. 10, lines 17-22, which describe the access predicate as follows: *“The access predicate 222 specifies the properties that an application must have in order to process the content 221, such as read-only or minimum/maximum video resolution. The access predicate 222 may also specify specific applications or families of applications allowed to process the content 221.”*

Applicants acknowledge that England does indeed teach that the access predicate can *“specify specific applications or families of applications allowed to process the content 221.”* However, it can be understood that this aspect is distinct and different from Applicants’ manifest that is generated using a manifest configuration file. The manifest pertains to ensuring security in **an address space** that is used when executing a program.

As can be seen, Applicants’ claim 1 includes: *“rules imposed by the vendor... for ensuring integrity of an address space that is used in a computer for executing the software object.*

One of ordinary skill in the art can recognize the difference between specifying which applications are authorized to run (in whatever unspecified address space), as taught by England’s access predicate, versus Applicants’ manifest that specifies what software modules can and cannot be loaded into an address space where the software object is executed.

In this context, the Office action acknowledges that England fails to include a list of unacceptable modules that are included in the license (or presumably, in the access predicate), but fails to provide a reasonable rationale (preferably based on the cited references) as to why it would be logical to include such a list in England’s license. To the contrary, Examiner appears to be drawing a personal conclusion in that it would have been obvious to do so because the *“access to the content of England can be barred explicitly from these unacceptable modules.”* Applicants respectfully point out that it is improper on the part of the Examiner to draw and assert such unsubstantiated conclusions.

As can be appreciated there are many features that may be included into England’s access predicate or license. For purposes of illustration, an assertion can be made that it would be

desirable that England's license be written in French for a French user. However, the incongruity and impropriety of making such an assertion can be readily appreciated. Consequently, Applicants respectfully traverse the rationale provided in the Office action for modifying England.

As for England's license, England's col. 10, lines 22-25 describe the license as follows: *"The license 223 places restrictions on the use of the content 221 by an approved application, such as the number of times the content can be accessed or what derivative use can be made of the content."*

Here again, one of ordinary skill in the art can recognize the difference between a license that enforces limitations on use of certain content (number of times used etc) versus Applicants' manifest that specifies what software modules can and cannot be loaded into an address space where the software object is executed, and also includes a *"description including an identity of a key file that contains a cryptographic key, wherein providing said identity of the key file eliminates the need to manually insert cryptographic key data into the vendor-provided manifest."*

Applicants respectfully draw attention to their earlier response submitted on 23 March 2009, which provided additional remarks pertaining to England and his operating system (DRMOS), specifically in response to the previous rejection of claim 1 (*"It must be recognized that such a manifest is controlled and defined by a vendor who wishes to distribute his software with protection defined by the vendor, rather than depending on security features defined by an operating system inside a customer's computer or a security system provided by a third party..."* etc. etc) In the interest of brevity this previous response will not be reproduced herein.

In summary, Applicants respectfully submit that England fails to teach Applicants' manifest and the Office action fails to provide a proper reason to modify England. Consequently, it is illogical to combine other references such as Jensenworth, Lao and Challener with England. Or, in other words, there is no suitable element in England that, when modified, discloses Applicants' manifest.

Notwithstanding this shortcoming in the rejection, which basically renders the rejection

improper and illogical, Applicants have opted to provide certain additional remarks directed at the other cited references.

Remarks directed at Lao

The Office action asserts that “*Lao discloses creating a manifest configuration file (MCF) that provides a description of requirements to be embedded in the vendor-provided manifest (see, Fig. 19, Numeral 1901, “Rights information” and Paragraph 0158-0159, author accessing license generation and interpretation service 190 to specify the rights information. Note that the user specify the rights using a GUI which are later converted into an unsigned rights expression) parsing in the MCE...*”

As best understood, the Office action appears to be asserting that:

- 1) Lao’s license is equivalent to Applicants’ manifest, and
- 2) Lao’s use of a GUI is equivalent to Applicants’ MCF.

Applicants respectfully submit that a person of ordinary skill in the art would not reasonably interpret Lao’s license as a manifest (i.e. for imposing security on an address space). Applicants further submit that only the use of legally impermissible hindsight gained from Applicants’ specification would permit such an implausible interpretation.

So also, one of ordinary skill in the art would not reasonably interpret Lao’s entry of rights information into a GUI as teaching Applicant’s generation of an MCF. It may be pertinent to point out vis-à-vis the action flow indicated in Lao’s FIG. 19 that Applicants’ claim 1 cites the following three distinct steps:

- 1) creating a manifest configuration file (MCF) that provides a description of requirements to be embodied in the vendor-provided manifest....
- 2) parsing the MCF to create a generic representation containing substance specified in the MCF; and
- 3) providing the generic representation to a manifest generation tool... and generating the manifest.

Assuming *arguendo* that Lao’s GUI is used to create the alleged MCF (“*rights information 1910*”). This alleged MCF is provided to *License Generation & Interpretation*

Service 1907 which generates *Rights expression 1903* (XrML License). As best understood from the Office action, this act of generation is apparently equivalent to Applicants' "*parsing the MCF to create a generic representation...*" Consequently, Lao's *Rights expression 1903* that is created (via "parsing") by *License Generation & Interpretation Service 1907* would be equivalent to Applicants' parsed "*generic representation containing substance specified in the MCF.*"

The Office action fails to then disclose which part of Lao further teaches Applicants' third step (i.e. "*providing the generic representation to a manifest generation tool...*" for *generating the vendor-provided manifest*). Clearly, providing Lao's *Rights expression 1903* to a *user 1919* (as cited in the Office action) does not reasonably constitute such a third step.

Therefore, in view of the remarks above, Applicants respectfully submit that the Office action is unclear and ambiguous in justifying the rejection, and further that Lao fails to disclose creating of a manifest via an MCF as cited in Applicants' claim 1.

Remarks directed at Challenger

The Office action asserts that "*Challenger discloses description of the specification for the manifest including an identity of a key file that contains a cryptographic key, wherein providing said identity of the key file eliminates the need to manually insert cryptographic key data into the manifest and cryptographic key is included in manifest during manifest generation process (see, Column 3, line 62- Column 4, line 13).*"

Challenger's invention is directed at a "method for associating a pass phrase with a secured public/private key pair." The cited portion (*Column 3, line 62- Column 4, line 13*) provides certain details about the use of "a pointer to the user private key" which is used by an encryption/decryption engine 32 to access the user private key. A person of ordinary skill in the art would not reasonably associate Challenger's use of a pointer for security purposes (encryption/decryption) to Applicants' use of an identity in order to eliminate *the need to manually insert cryptographic key data into* a manifest. As indicated by Applicants the traditional approach in generating a manifest involves laboriously entering key details by hand (Applicants' specification paragraph [0008]). Therefore, Applicants respectfully assert that

Challenger has been improperly interpreted and applied against Applicants' claim 1.

In summary, Applicants respectfully submit that in view of the remarks provided above, the current rejection of claim 1 is improper and hereby request withdrawal of the rejection followed by allowance of the claim.

Claims 2, 6-8, 10, 31, 32 and 35

Applicants respectfully traverse the rejection of these claims for several reasons. For example, in rejecting Applicants' claim 35, the Office action cites "*England Column 4, line 16-21, Column 16, lines 24-32.*" Applicants respectfully point out that this cited portion as well as other portions of England fail to teach maintaining integrity of an address space via a vendor-provided manifest (in contrast to providing DRM service via an operating system DRMOS).

Furthermore, Applicants respectfully assert that claims 2, 6-8, 10, 31, 32 and 35 are allowable for multiple reasons. One amongst these multiple reasons arises from the fact that these claims are allowable as a matter of law arising from direct or indirect dependency on allowable independent claim 1. Therefore, Applicants respectfully request withdrawal of the rejection followed by allowance of these claims.

II. Statement of the Rejection

Claims 12, 14, 17-19, 21, 23-24, 26-30, and 38-39 are rejected under 35 U.S.C. 103(a) as being unpatentable over England in view of Lao and further in view of Lai (US 2005/0044197 A1), hereinafter, "Lai".

Response to the Rejection

Claim 12

Applicants respectfully traverse the rejection of claim 12 for several reasons. In the interests of brevity, remarks pertaining to England and Lao that have been provided above will not be repeated herein. However, these remarks are equally pertinent to the rejection of claim 12 as well.

Turning to the cited reference of Lai, attention is drawn to page 10 of the Office action, wherein the following assertion has been made: "*Lai discloses eliminating at least a portion of*

human-readable syntax while generating a generic representation (see, Paragraph 1 192, "In practice, the sensitive data in the SOAP messages is typically encrypted and signed with a digital signature to support non-repudiation.")."

Applicants respectfully traverse this assertion. It would appear that the Office action is equating Lai's "encryption" (or in other words: disguising sensitive data) to "elimination" (in other words: removing). Clearly, a person of ordinary skill in the art would not reasonably interpret Lai's "*sensitive data in the SOAP messages is typically encrypted*" as teaching or suggesting Applicants' "*eliminating at least a portion of human-readable syntax*."

Consequently, Applicants respectfully assert that not only England and Lao, but Lai as well, fail to reasonably teach or suggest all elements of Applicants' claim 12. Therefore, Applicants hereby request withdrawal of the rejection followed by allowance of claim 12.

Claims 14, 33, 34 and 38

Applicants respectfully assert that claims 14, 33, 34 and 38 are allowable for at least the reason that these claims are dependent on allowable claim 12 and are consequently allowable as a matter of law. Therefore, Applicants respectfully request withdrawal of the rejection followed by allowance of these claims.

Claim 17

Several remarks made above in response to the rejection of claims 1 and 12 are equally applicable to the rejection of claim 17. Applicants will refrain from repeating these remarks in the interests of brevity. In short, Applicants respectfully submit that claim 17 is allowable over the currently cited references and hereby request withdrawal of the rejection followed by allowance of the claim.

Claims 18, 19, 21 and 39

Applicants respectfully assert that claims 18, 19, 21 and 39 are allowable for several reasons. One amongst these several reasons arises from the fact that these claims are allowable as a matter of law arising from direct dependency on allowable independent claim 17. Therefore, for at least this reason, Applicants respectfully request withdrawal of the rejection followed by allowance of claims 18, 19 and 21.

Claim 23

Several remarks made above in response to the rejection of claims 1 and 12 are equally applicable to the rejection of claim 23. Applicants will refrain from repeating these remarks in the interests of brevity. In short, Applicants respectfully submit that claim 23 is allowable over the currently cited references and hereby request withdrawal of the rejection followed by allowance of the claim.

Claims 24, 26, 27, 29 and 30

Applicants respectfully assert that claims 24, 26, 27, 29 and 30 are allowable for several reasons. One amongst these several reasons arises from the fact that these claims are allowable as a matter of law arising from dependency on allowable independent claim 23. Therefore, for at least this reason, Applicants respectfully request withdrawal of the rejection followed by allowance of these claims.

III. Statement of the Rejection

Claims 25 and 33-34 are rejected under 35 U.S.C. 103(a) as being unpatentable over England in view of Lao and Lai and further in view of Jensenworth.

Response to the Rejection

Claims 25, 33 and 34

Applicants respectfully assert that claims 25, 33 and 34 are allowable for several reasons. One amongst these several reasons arises from the fact that these claims are allowable as a matter of law arising from dependency on their respective allowable independent claims. Therefore, for at least this reason, Applicants respectfully request withdrawal of the rejection followed by allowance of these claims.

IV. Statement of the Rejection

Claims 36 and 37 are rejected under 35 U.S.C. 103(a) as being unpatentable over England in view of in view of Jensenworth, Lao, Challenger and further in view of Lai.

Response to the Rejection

Claims 36 and 37

Applicants respectfully assert that claims 36 and 37 are allowable for several reasons. One amongst these several reasons arises from the fact that these claims are allowable as a matter of law arising from dependency on independent claim 1. Therefore, for at least this reason, Applicants respectfully request withdrawal of the rejection followed by allowance of these claims.

V. Statement of the Rejection

Claim 11 is rejected under 35 U.S.C. 103(a) as being unpatentable over England in view of Jensenworth, Lao, Challener and further in view of Watanabe et al. (US 2002/0108041 A1), hereinafter Watanabe.

Response to the Rejection

Claim 11

Applicants respectfully assert that claim 11 is allowable for several reasons. One amongst these several reasons arises from the fact that this claim is allowable as a matter of law arising from dependency on independent claim 1. Therefore, for at least this reason, Applicants respectfully request withdrawal of the rejection followed by allowance of the claim.

VI. Statement of the Rejection

Claim 22 is rejected under 35 U.S.C. 103(a) as being unpatentable over England in view of Lao and Lai and further in view of Watanabe.

Response to the Rejection

Claim 22

Applicants respectfully assert that claim 22 is allowable for several reasons. One amongst these several reasons arises from the fact that this claim is allowable as a matter of law arising from dependency on independent claim 17. Therefore, for at least this reason, Applicants respectfully request withdrawal of the rejection followed by allowance of the claim.

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PATENT

Remarks related to new claim 40

Applicants submit herein new claim 40 and request consideration of this claim. It may be pertinent to draw attention to paragraph [0048] of Applicants' specification that provides some information in this matter. It may be further pertinent to point out that the claim is directed at using an MCF (which provides a description of requirements to be embodied in a vendor-provided manifest) for including a set of public key certificates into the manifest. Applicants respectfully submit that though the use of public keys for establishing trust may be taught in certain prior art references, the steps cited in claim 40 (MCF, generic representation etc.) that are carried out for eliminating manual insertion of public key data into a manifest (which can, understandably, suffer from various handicaps as a result of the manual entry) has not been reasonably taught or disclosed before, thereby making the claim allowable.

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PATENT

CONCLUSION

Applicant respectfully submits that all pending claims are allowable. Favorable reconsideration and allowance of the present application and all pending claims are hereby requested. If, in the opinion of the Examiner, a telephonic conference would expedite the examination of this matter, the Examiner is invited to call the undersigned.

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